



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER	
PRS: 01	
EFFECTIVE DATE: 12/30/2014	ORIGINAL ISSUED ON: 07/02/1994
REVISION NO: 6	

SUBJECT: DPS PERSONNEL REINSTATEMENT

1.0 PURPOSE

The purpose of this policy is to establish minimum criteria that former Department of Public Safety employees must meet to be eligible for reinstatement under the provisions of this policy. The policy also contains provisions on benefits, seniority, and promotion for those former employees who are reinstated.

2.0 POLICY

It is the policy of the Department of Public Safety to have a fair and consistent mechanism by which qualified, former employees may be reinstated.

3.0 APPLICABILITY

This policy applies to all former DPS employees seeking reinstatement.

4.0 REFERENCES

- A. 29-2-4 NMSA 1978, New Mexico State Police
- B. 29-2-6 NMSA 1978, Qualification of Members
- C. 29-7-1 NMSA 1978, Law Enforcement Training Act
- D. 10.29.1 NMAC, Public Safety and Law Enforcement, Law Enforcement Academy, General Provisions
- E. 10.29.9 NMAC Public Safety and Law Enforcement, Law Enforcement Academy, Police Officer
- F. 10.29.10 NMAC Public Safety and Law Enforcement, Law Enforcement Academy, Public Safety Telecommunicator Minimum Standards of Training

5.0 DEFINITIONS

- A. **Certification Requirements** – Any applicable requirements or certifications that must be met prior to being reinstated as a DPS employee. Such requirements are promulgated through the New Mexico Law Enforcement Academy Board, the Department of Public Safety, and State Personnel Board Rules.
- B. **Chief** – Chief of the State Police and DPS Deputy Secretary of the Law Enforcement Program.
- C. **Commission** – A certificate or commission card granting rank and authority to act as a peace officer for the Department of Public Safety.
- D. **Deputy Secretary** – DPS Deputy Secretary of Statewide Law Enforcement Support Services.
- E. **DPS** – Department of Public Safety.
- F. **PST Certification** – Public Safety Telecommunicator certification course.
- G. **Reinstatement** – The act of reinstating a former DPS employee.

6.0 PROCEDURE

It is the policy of the Department of Public Safety that any former DPS employees seeking reinstatement must meet the following minimum criteria before being considered for reinstatement by the Chief or Deputy Secretary:

- A.** No applicant shall be eligible for reinstatement through the provisions of this policy if he/she:
 - 1. Was previously removed from office or terminated by the DPS or any of its Divisions.
 - 2. Resigned pending termination proceedings.
 - 3. Resigned pending disciplinary proceedings, not including termination.
 - 4. Resigned pending any criminal or administrative investigation, which could have resulted in disciplinary action.
 - 5. Resigned before allegations of misconduct were reported to the department or before the department could initiate an investigation, which the employee knew of, or should have known was forthcoming.
- B.** In the event an employee is terminated for failure to meet any educational requirements established by state law, such employee will only become eligible for reinstatement when he/she can demonstrate compliance.
- C.** Each applicant seeking a commissioned position must comply with all legislative and regulatory New Mexico Peace Officer certification/qualification requirements at the time of application, including any additional requirements set forth by the Department of Public Safety.
 - 1. Applicants must possess a current and active Peace Officer certification from the New Mexico Law Enforcement Academy prior to making application. Applicants who have been out of law enforcement for more than two (2) years, but less than eight (8) years, will be required to attend a certification by waiver class prior to reinstatement. Applicants who have been out of law enforcement for less than two (2) years will **not** be required to attend a certification by waiver class. If the applicant was out of law enforcement greater than eight (8) years, the applicant is considered decertified and must complete the basic police officer training program.
 - 2. All applications for reinstatement must be made on a prescribed form to the Training and Recruiting Bureau or the prescribed procedures from the State Personnel Office, as applicable. The Training and Recruiting Bureau will be responsible for developing and disseminating any required forms, accepting applications, screening, processing and tracking applicants, making recommendations to the Chief on eligibility of applicants, and record keeping for exempt positions. The State Personnel Office will be responsible for developing and disseminating any required forms, accepting applications, screening, processing and tracking applicants, and making recommendations to DPS on potential applicants for non-exempt positions.
 - 3. If the applicant has been employed by another police agency during separation, all certificates of training obtained with the other agency are to be submitted to DPS Training and Recruiting Bureau upon application for reinstatement.
 - 4. The applicant shall submit any other information as required by the Department of Public Safety.

- D. Each applicant seeking a telecommunicator position must comply with all legislative and regulatory Public Safety Telecommunicator certification/qualification requirements at the time of application, including any additional requirements set forth by the Department of Public Safety.
1. Applicants must possess a current and active PST certification from the New Mexico Law Enforcement Academy to be referred on an employment list. Applicants who have been out of law enforcement telecommunications for more than two (2) years but less than four (4) years will be required to attend a certification by waiver class prior to reinstatement. Applicants who have been out of law enforcement telecommunications for less than two (2) years will **not** be required to attend a certification by waiver class. If the applicant was out of law enforcement telecommunications greater than four (4) years, the applicant is considered decertified and must complete the basic public safety telecommunicator training program.
 2. All applications for reinstatement must be made through prescribed procedures from the State Personnel Office. The State Personnel Office or DPS Human Resources Staff, if authorized by SPO, will be responsible for developing and disseminating any required forms, accepting applications, screening, processing, and tracking applicants, and making recommendations to DPS on potential applicants.
 3. If the applicant has been employed by a law enforcement agency during separation, all certificates of training obtained with the other agency are to be submitted to DPS prior to reinstatement.
 4. The applicant shall submit any other information as required by the Department of Public Safety.
- E. Each applicant seeking an administrative staff or non-commissioned CVSA inspector position must comply with all applicable legislative and regulatory certifications or qualification requirements at the time of application, including any additional requirements set forth by the Department of Public Safety.
1. Applicants for a CVSA inspector must possess a current and active North American Standard Level 1 CVSA certification to be referred on an employment list. Applicants who have been out of CVSA inspections for more than one (1) year will be required to attend a new course of instruction and obtain the certification as soon as practical from date of reinstatement and no longer than timeframes set forth by DPS Policy.
 2. All applications for reinstatement must be made through prescribed procedures from the State Personnel Office. The State Personnel Office or DPS Human Resources Staff, if authorized by SPO, will be responsible for developing and disseminating any required forms, accepting applications, screening, processing, and tracking applicants, and making recommendations to DPS on potential applicants.
 3. If the applicant has been employed by a law enforcement agency during separation, all certificates of training obtained with the other agency are to be submitted to DPS prior to reinstatement.
 4. The applicant shall submit any other information as required by the Department of Public Safety.
- F. The applicant must submit to a complete background investigation as determined by the Department of Public Safety, for the purpose of determining the moral character, general reputation, and fitness of the applicant. The Chief or Deputy Secretary, at

his/her discretion, may authorize a partial background investigation depending on the candidate's length of separation from the department or his/her continuous service in a similar position since separating from the department.

- G.** The applicant must successfully complete psychological and physical examinations and agility tests that are required for the position applied for. All tests will be administered by individuals designated by the Department of Public Safety. The costs of said examinations and tests will be borne by the Department of Public Safety. The Chief or Deputy Secretary, at his/her discretion, may waive this requirement depending on the candidate's length of separation from the department or his/her continuous service in similar position since separating from the department.
- H.** The applicant must have satisfactorily performed the duties of his/her former position prior to his/her separation from the DPS. The Chief or Deputy Secretary, as applicable, has sole discretion on determining whether an applicant for reinstatement satisfactorily performed his/her duties prior to separation.
- I.** An applicant for reinstatement to any DPS position must pass all qualifications and requirements deemed necessary by the Department of Public Safety and/or the Training and Recruiting Bureau prior to an applicant being offered a position as an employee.

 - 1. A commissioned applicant's preference on duty station shall be discussed with the Training and Recruiting Bureau during the application process. The preferred duty location will be approved by the Chief's Staff and the District Commander affected by the preference prior to an assignment being made.
 - 2. An available start date will be discussed with all applicants prior to an assignment being made.
- J.** A commissioned employee who is reinstated must adhere to the following criteria before being allowed to perform work related activities:

 - 1. An officer who is reinstated shall report to the Training and Recruiting Bureau on his/her first official work day. The Training and Recruiting Bureau will be responsible for the issuance of all equipment, to include a vest and firearms, necessary for an officer to perform his/her duties.
 - 2. The reinstated officer will be required to qualify with all department weapons before being allowed to go on duty. The location of this qualification will be determined through discussions and agreement by the Training and Recruiting Bureau and the Commander of the District where the reinstated officer has been assigned. The qualification will be overseen by the Training and Recruiting Bureau or by a District qualified range master.
 - 3. A reinstated officer shall be on an FTO program for a minimum of two (2) weeks taking into consideration the length of time separated from law enforcement related work activity. The District Commander will make an evaluation on whether that FTO program shall be extended or if the newly reinstated officer is ready for full duty.
- K.** It is the policy of the Department of Public Safety that any former commissioned employee who is reinstated must adhere to the following guidelines:

 - 1. A one (1) year probationary period must be served following reinstatement in addition to completing any balance remaining of the initial two (2) year probationary period (including any extension) required to be served after recruit school.

DPS PERSONNEL REINSTATEMENT

2. Salary and benefits will be established according to policy.
 3. A reinstated officer will be eligible for promotion to sergeant after five (5) satisfactory years of service with DPS, three (3) years of which must be post-reinstatement. All years of service prior to reinstatement will be computed in determining seniority for promotional purposes.
- L. An applicant eligible for reinstatement under this policy may be reinstated by the Chief or Deputy Secretary, as applicable, solely at his/her discretion. No applicant for reinstatement has any right, conferred by this policy, or otherwise, to reinstatement. The Chief or Deputy Secretary's discretionary determination regarding reinstatement is not reviewable or subject to appeal, and is considered final.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/ Gregory J. Fouratt **DATE:** December 30, 2014
DPS Cabinet Secretary